

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

HSE-5J**MEMORANDUM**

DATE: FEB 06 1995

SUBJECT: Request for an Emergency Removal Action at the MCC Construction Site, Chicago, Cook County, Illinois (Site Spill ID# OD)

FROM: Brad T. Stimple, On-Scene Coordinator (OSC)
Emergency and Enforcement Response Branch, Section 2

TO: Jodi L. Traub, Associate Division Director,
Office of Superfund

THRU: Richard Karl, Chief *R. Karl*
Emergency & Enforcement Response Branch

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval to expend up to \$91,000 to perform an emergency removal action at the MCC Construction Site located in Chicago, Cook County, Illinois. This response action was initiated under \$50,000, verbal authority approved by Donald Bruce, acting Emergency and Enforcement Response Branch Chief, and was necessary to mitigate an immediate threat to public health, welfare, and the environment posed by the presence of uncontrolled hazardous materials abandoned on-site. The emergency action sought to abate the release of hazardous substances and materials listed under Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by providing site security; identifying and removing for off-site disposal, 19 uncontrolled and leaking drums of flammable paint and solvent related wastes considered hazardous.

There are no nationally significant or precedent-setting issues associated with the MCC Construction (MCC) site.

The MCC site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# ILD0000998302

A. Physical Location

The MCC site is an abandoned, allegedly illegal dump site situated on a triangular plot approximately 10-acres in size located at 2100-2130 South Kostner Avenue, Chicago, Cook County, Illinois (corner of 21st Street and S. Kostner Avenue). No buildings, offices, or process equipment currently exists on-site. The site is bordered on the east by Kostner Avenue and a residential neighborhood, to the south by a car wash business and 22nd Avenue (Cermak), and to the south and west by an operating railroad line.

A chain-link fence surrounds the site providing only limited security. Certain areas of the fence were open allowing trespassing and direct access to the site.

B. Site Description and Background

Open dumping of general construction debris is the most recent operational activity which has taken place at the MCC site. Large waste piles of concrete, wood, asphalt, roofing debris, etc., some as high as 30-feet, occupies much of the property area. Most, if not all, of this material is considered nonhazardous debris. Also existing on-site are three open semi-trailers.

Located in the southeast corner of the property were 16, 55-gallon drums of waste paint related material which has been confirmed as flammable, hazardous waste. Three additional drums were discovered in the northeast section of the site, two of which were located in one of the open semi-trailers (see attachment 1). Many of the 16 drums were toppled over and observed to be in a deteriorating and leaking condition. The drums discovered on-site are the focus of this Action Memorandum and the emergency removal action which has since been initiated.

According to Illinois Environmental Protection Agency (IEPA) file information, the site was first inspected by the agency on May 21, 1993, as a result of public complaints concerning a number of illegal dump sites in the area and at the request of the State Attorney General's Office. At the time, IEPA was unaware of who the owner/operator of the MCC site was.

Through consultation with the City of Chicago, it was determined that John Christopher (also Krisjohn Construction) was the last owner/operator of the property and that he was also linked to another open dump site in the immediate area. The City of Chicago brought suit against Christopher and won a judgement on May 6, 1993. The judgement included a cleanup order for the open dump sites. The defendant was to remove the waste within six months from the date of the order. No waste was removed and consequently, a penalty of \$1,000 per day is accruing.

IEPA again inspected the MCC site in June and July of 1994. It

was at this time that the 19 drums were discovered abandoned, uncontrolled on-site. IEPA observed the drums in a deteriorating, leaking condition emitting what was described as a strong volatile odor.

As noted, this and other nearby dump sites have been the subject of much concern to area community groups and the local City of Chicago Alderman representative who have urged the city and IEPA to manage the situation. The MCC site is located near a busy intersection and in a rather populous area of Chicago and because of which, has prompted community groups to express concern that improperly contained, potentially hazardous substances presented a potential threat to the local population.

On October 27, 1994, Bruce Everetts of IEPA requested assistance from U.S. EPA in the removal of the abandoned hazardous waste drums. It should be noted that IEPA plans to retain a contractor to ~~remove as much of the construction debris as possible~~ utilizing a set aside project fund. Work is to take place within the next few months.

On December 9, 1994, the U.S. EPA conducted a site assessment at the MCC site. Select samples were collected from the abandoned drums and chemical analysis was performed. Results of the analysis confirmed the presence of high concentrations of volatile organic compounds. Because of low flashpoints detected from the samples, the material was classified as flammable, hazardous waste. It was observed that the drums were toppled over and existed on a concrete slab. Several drums were observed to have leaked small quantities of their contents onto the concrete surface. The spillage was that of dried waste paint and resin like material. It was apparent that if action was not undertaken soon, the drums could potentially release all of their ~~contents due to~~ ongoing deterioration of the drums. No significant drum label information existed.

C. Actions to Date

Upon receiving analytical results confirming the presence of hazardous wastes at the MCC site, posing an immediate public health and environmental threat, the Emergency Response Cleanup Services (ERCS) contractor, Riedel Environmental Services, was immediately activated.

On January 4, 1994, the ERCS mobilized personnel and equipment to the MCC site. The 19 drums were stabilized and overpacked into salvage drums. This action alone removed any further threat of release posed by the uncontrolled nature of the drums. Dried paint discovered on the concrete pad, where the drums were originally discovered, was removed and containerized.

On January 6 and 9, 1994, the ERCS sampled and characterized all of the waste material. Samples were shipped to appropriate, prospective disposal facilities for disposal acceptance.

When disposal approval is granted, transportation arrangements will be made and the drummed hazardous waste will be removed for ultimate disposal.

Before removal actions began, the U.S. EPA Office of Regional Council (ORC) was able to contact the Potentially Responsible Party (PRP), John Christopher, and verbally notified him as to the emergency removal action activities which were to take place. ORC will continue to pursue cost recovery issues with the identified PRP as well as identification of other PRPs (see attachment 3 for further information).

D. State and Local Authorities' Role

1. State and Local Actions to Date

IEPA and City of Chicago involvement has been summarized previously in this Action Memorandum. Although the state does not have sufficient funds to conduct removal actions at the MCC site, they will provide support for this Fund-lead removal action in a manner that is consistent with the containment and cleanup requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

III. THREATS TO HUMAN HEALTH AND THE ENVIRONMENT

Conditions observed during the U.S. EPA investigation of the MCC site constituted a threat to public health and welfare and the environment, based on considerations as set forth in the NCP, 40 CFR Section 300.415 (b) (2) and may therefore justify that a removal action be conducted at this site. These conditions include, but are not limited to, the following:

(i) Actual or potential exposure to nearby human populations, animals, or food chains by hazardous substances or pollutants or contaminants. Site investigations conducted by U.S. EPA, IEPA, and the City of Chicago documented that 19 full or partially full drums of hazardous waste existed on-site in an uncontrolled, deteriorating, and in some cases leaking condition. According to chemical analysis of drum samples collected during the U.S. EPA site assessment, paint and solvent bearing wastes containing significant concentrations of volatile organics were present in liquid and sludge drummed waste. The close proximity of businesses and residences to the MCC site and the ease of site access allowed for potential direct contact with hazardous materials. (per OSWER Directive 9360.0-34)

(ii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release. Results of chemical analysis of site assessment samples revealed the presences of 2-butanone (MEK) up to 42,900 parts per million (ppm), toluene up to 65,600 ppm,

acetone up to 6,040 ppm, and total xylenes up to 7,030 ppm. A field pH test of one liquid drum revealed a pH value below 2.0 which would be considered hazardous waste acid due to characteristics of corrosivity (40 CFR Part 261.22). The uncontrolled and deteriorating nature of the drums and the fact that the drums were observed to be leaking could pose a further, more significant threat of release allowing contaminants to be transported off-site into nearby soils and storm sewer systems.

(iii) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released. The 19 drums abandoned at the MCC site were exposed to varying seasonal temperatures which, if not immediately and properly dealt with, could have further deteriorated and ultimately failed. This could have occurred through freeze/thaw cycles in which hot temperatures could have increased vapor pressures of the contained material while cold temperatures may have frozen drum contents. Conditions such as these may have resulted in a release which would have posed a public and environmental hazard.

(iv) Threat of fire and/or explosion. Because of low flashpoints documented by chemical analysis (63, 65, and 116° F.) associated with the volatile organic compounds present in the waste, a fire or explosion threat was very imminent. According to RCRA, 40 CFR 261.21, wastes exhibit the hazardous waste characteristic of ignitibility at a flash point of less than 140° F. and therefore must be designated as U.S. EPA hazardous waste code D001.

(v) The unavailability of other appropriate Federal or State response mechanisms to respond to the release. This factor supported the actions at the facility proposed by the Action Memorandum because IEPA did not have the necessary resources to respond to the emergency situation.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of hazardous substances on-site, and the potential exposure pathways described in section II and III above, actual or threatened releases of hazardous substances from the site, if not addressed by implementing the response action described in this Action Memorandum, may have presented imminent and substantial endangerment to public health, welfare, and the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The objective of this removal action was to mitigate an imminent and substantial threat to human health, welfare and the environment. The following are actions which were undertaken to adequately achieve the removal objective.

- a. Developed and implemented a site health and safety plan.
- b. Secured and stabilized drums upon initial response.
- c. Sampled, characterized, and consolidated all drummed liquid, sludge, and solid hazardous wastes found on-site for proper off-site disposal.
- d. Upon disposal acceptance, arrange transportation of drums from site to appropriate disposal facility.

Waste transported off-site for disposal will be handled in accordance and with full compliance to RCRA/CERCLA off-site U.S. EPA policy.

The On-Scene Coordinator has begun planning for provision of post-removal site control which is consistent with the provisions of Section 300.415 (k) of the NCP.

The response actions described in this Action Memorandum directly addressed actual or threatened releases of hazardous substances, pollutants, or contaminants at the MCC facility which posed an imminent and substantial endangerment to public health and safety and to the environment. The response actions did not impose a burden to affected property disproportionate to the conditions being addressed.

2. Contribution to Remedial Performance

The MCC site is a non-NPL site for which remedial actions have^{TO} not been planned to date. The removal action addressed all threats meeting the NCP Section 300.415 (b) (2) removal criteria as identified in section III of this Action Memorandum.

3. Applicable or Relevant and Appropriate Requirements (ARARS)

All ARARS have and will be complied with to the extent practicable. Because of the immediate emergency action which took place at the MCC site, ARARS were verbally approved between the state representative and the U.S. EPA OSC.

4. Project Schedule

The emergency removal action was completed in approximately 3, 8-hour work days with the exception of transportation and disposal. It is expected that disposal will be completed within a two month period.

B. ESTIMATED COSTS

The estimated costs to complete the above activities are summarized below. Detailed cleanup contractor costs are projected in Attachment 2.

EXTRAMURAL COSTS

Cleanup Contractor Costs	\$ 40,000
Contingency (15%)	6,000
Subtotal	\$ 46,000
Total TAT, including multiplier costs	15,000
Extramural Subtotal	\$ 61,000
Extramural Contingency (20% of Extramural Subtotal, rounded to nearest \$1,000)	12,000
TOTAL EXTRAMURAL COSTS	\$ 73,000

INTRAMURAL COSTS

U.S. EPA Direct Costs [\$30 x (200 Regional Hrs. + 20 HQ Hrs.)]	\$ 6,500
U.S. EPA Indirect Costs [\$53 x (200 Regional Hrs. + 20 HQ Hrs.)]	11,500
TOTAL, INTRAMURAL COSTS	\$ 18,000
TOTAL REMOVAL PROJECT CEILING	\$ 91,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If removal actions were delayed or denied, concerns about public health and the environment would have continued, and, if actions were delayed too long, U.S. EPA may have been required to expend additional resources for remediation of soil or ground water contamination. A significant release of hazardous substances could have had an immediate effect on the surrounding community.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this site.

VIII. ENFORCEMENT

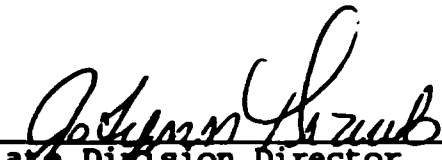
For administrative purposes, information concerning the enforcement strategy for this site is contained in an enforcement confidential addendum (attachment 3).

IX. RECOMMENDATION

This decision document describes the emergency removal action which was initiated at the MCC site in Chicago, Cook County, Illinois developed in accordance with CERCLA as amended by SARA. The selected removal action is not inconsistent with the NCP.

This decision is based on the Administrative Record for this site, the index of which is included in this Document as Attachment 4. Conditions at the site meet the criteria as set forth in the NCP Section 300.415 (b) (2) for a removal. I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$91,000. Of this, an estimated \$46,000 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVED:


Associate Division Director,
Office of Superfund

DATE:

2/6/95

DISAPPROVE:

Associate Division Director,
Office of Superfund

DATE: _____

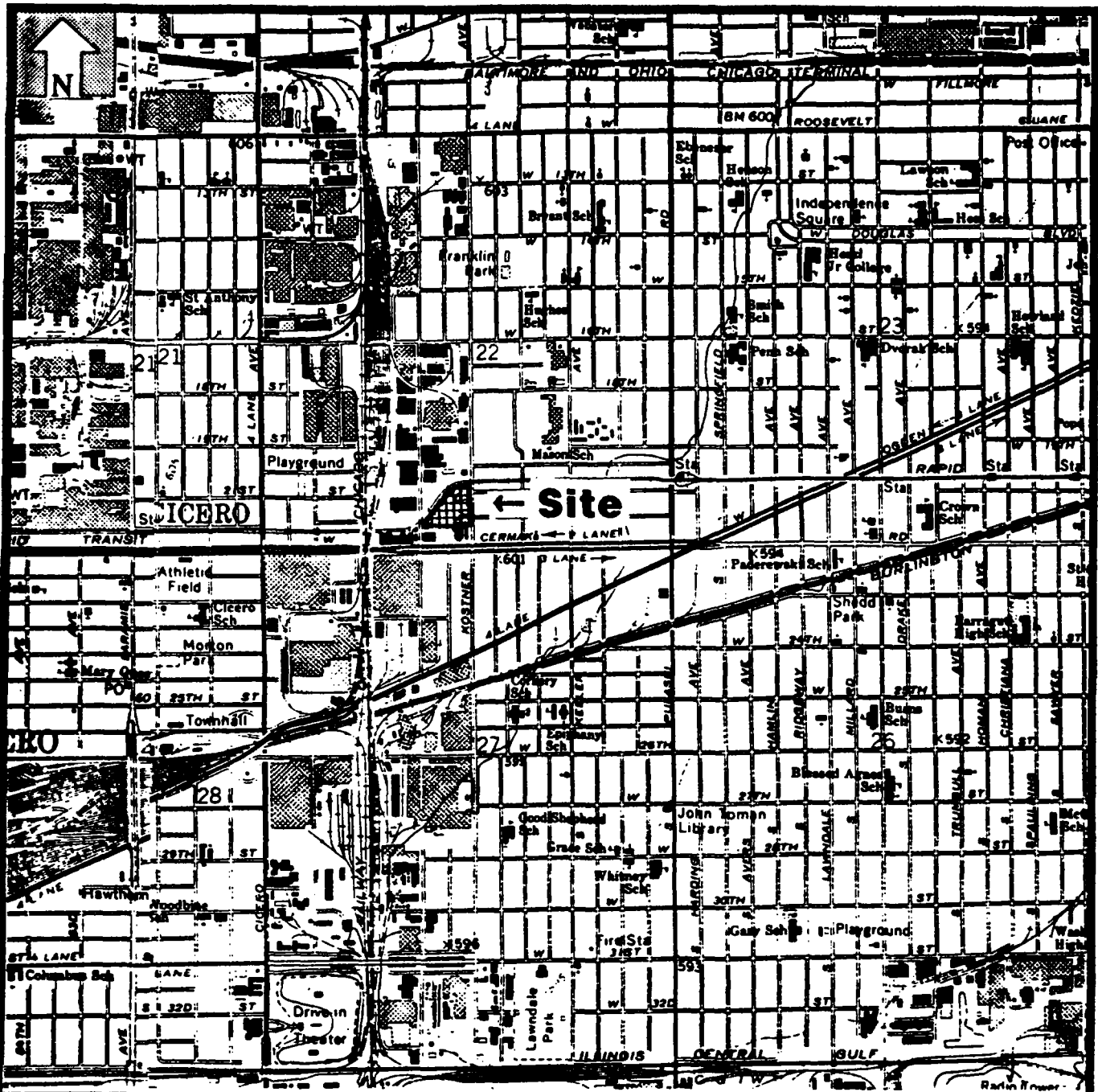
Attachments: 1. Site Maps
 2. Detailed Cleanup Contractor Cost Estimate
 3. Enforcement Confidential Information
 4. Index to the Administrative Record

cc: T. Johnson, 5202G
 Don Henne, U.S. Department of the Interior
 Custom House, Room 217
 200 Chestnut Street
 Philadelphia, PA 19106-2904
 State Superfund Coordinator

bcc: A. Baumann, HSRL-5J
 R. Powers, HSE-GI
 R. Karl, HSE-5J
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 L. Fabinski, ATSDR, HSRL-5J
 O. Warnsley, CRS, HSRLT-5J
 T. Lesser, P-19J
 D. Crume, MF-10J
 EERB Read File (M. Johnson)
 EERB Delivery Order File (M.E. Gustafson)
 EERB Site File (Earl Brenneman, WMD Records Center, 7th
 floor
 Robert Dumelle, Contracting Officer, MCC-10J
 B. Stimple, On-Scene Coordinator, HSE-5J
 M. Berman, Attorney, ORC
 A. Lilly, Enforcement Specialist

ATTACHMENT 1

SITE MAPS



Quadrangle Location •

Illinois

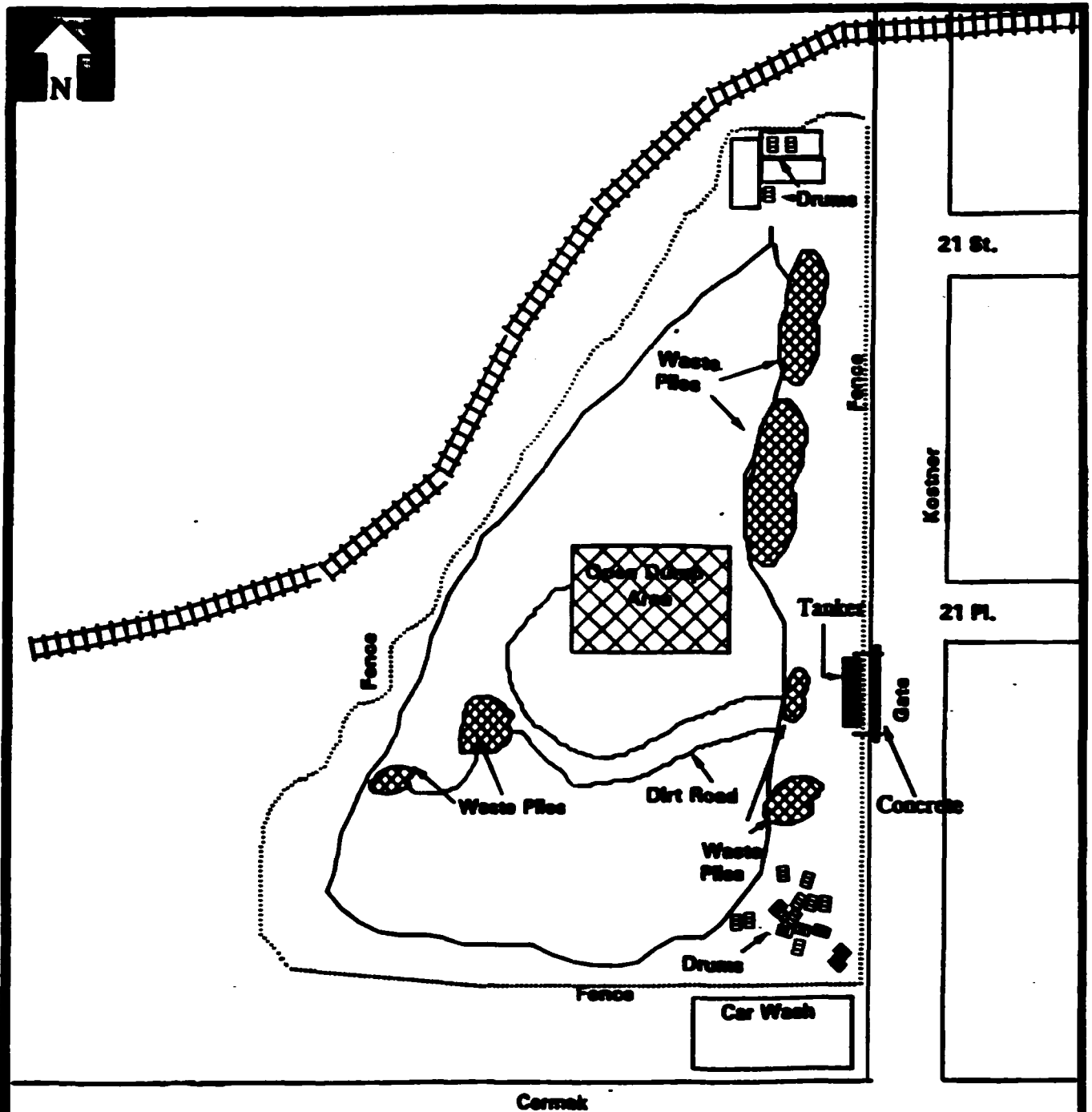








EPA

U.S. EPA REGION V

EMERGENCY AND ENFORCEMENT RESPONSE BRANCH

TITLE Site Location Map	FIGURE # 1
SITE MCC Construction	SCALE 1:24,000
CITY Chicago	STATE Illinois
SOURCE USGS Topographical Map, 7.5 Minute Series Englewood, IL Quadrangle	DATE 1980 REVISED 1995



Legend		 U.S. EPA REGION V EMERGENCY AND ENFORCEMENT RESPONSE BRANCH	
	= 55-gallon steel drum	TITLE Site Features Map	NUMBER 2
	= fence	DATE MCC Construction	SCALE Not To Scale
	= waste piles	CITY Chicago	STATE Illinois
	= open dump area	OFFICE IEPA Memorandum to Brad Stimple	DATE 10/5/94 REVISION 2/6/95
	= trailer		

ATTACHMENT 2

DETAILED CLEANUP CONTRACTOR COST ESTIMATE

PERSONNEL	\$ 18,000
EQUIPMENT	5,000
MATERIALS	2,000
SUBCONTRACTORS	2,000
WASTE TRANSPORTATION	2,000
WASTE DISPOSAL	<u>17,000</u>
TOTAL	\$ 46,000

ATTACHMENT 3

ENFORCEMENT ADDENDUM

Redacted - not relevant to the selection of the removal action.

ATTACHMENT 4

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
MCC CONSTRUCTION
CHICAGO, ILLINOIS

January 18, 1995

<u>DATES</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
00/00/00	Rydzewski, K., E&E, Inc.	U.S. EPA	Site Assessment Report Removal Action Plan (Pending)	
00/00/00	Stimple, B., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum (Pending)	